

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner

v.

CYWEE GROUP LTD.
Patent Owner

Case IPR2018-01257
Patent No. 8,552,978

PATENT OWNER'S MOTION TO AMEND

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LIST OF EXHIBITS

2001	Declaration of Dr. Gary L. Blank
2002	<i>Curriculum Vitae</i> of Dr. Gary L. Blank CV
2003	Claim Construction Opinion and Order (Doc. 117), <i>Cywee Group Ltd. v. Samsung Elecs. Co., Ltd.</i> , C.A. No. 2:17-CV-00140-WCB-RSP (E.D. Tex., July 9, 2018)
2004	Expert Declaration of Dr. Joseph LaViola, Ph.D., in Support of Patent Owner Response
2005	<i>Curriculum Vitae</i> of Dr. Joseph LaViola, Ph.D.
2006	Order (Doc. 153), <i>Cywee Group Ltd. v. Samsung Elecs. Co., Ltd.</i> , C.A. No. 2:17-CV-00140-WCB-RSP (E.D. Tex., Aug. 14, 2018)
2007	Memorandum Opinion (Doc. 55), <i>CyWee Group Ltd. v. Motorola Mobility LLC</i> , C.A. No. 17-780-RGA (D. Del., Dec. 21, 2018)
2008	File History of U.S. Application No. 10/396,439
2009	File History of U.S. Application No. 12/413,722
2010	File History of U.S. Application No. 13/367,058
2011	Expert Declaration of Dr. Joseph LaViola, Ph.D., in Support of Motion to Amend
2012	File History of U.S. Provisional Application 61/292558

I. INTRODUCTION

Patent Owner CyWee Group Ltd. (“CyWee” or “Patent Owner”) provides these proposed claims contingent upon a finding of invalidity of the respective challenged original claim(s). Proposed Contingent Claim 19 clarifies that the 3D pointing device is handheld and limits the display device utilized by the method to one that is built-in to and integrated with the 3D pointing device. Proposed Contingent Claim 20 further limits the 3D pointing device to a smartphone. Finally, some limited potential issues under 35 U.S.C. § 112 are addressed. The amendments do not broaden the scope of the claims and are each responsive to at least one of the alleged grounds of invalidity. ViloX respectfully submits that these amendments are permissible and should be entered by the Panel in this IPR in the event that the Board determines that the corresponding originally issued claim(s) are not patentable.

II. BACKGROUND

The Panel’s consideration of this motion and the proposed amendments are contingent upon a finding that the original challenged claims of U.S. Patent 8,552,978 (the “‘978 Patent”) are invalid. Accordingly, CyWee provides further limitation and clarification of its claimed invention by and through the proposed amendments below. Proposed Contingent Claim 19 includes proposed amendments to clarify that the 3D pointing device is handheld (Appendix A, 19(a)) and to limit

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